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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,612	12/04/2003	Akiyoshi Chosokabe	Q78605	5767
23373 7590 07/08/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER HARPER, TRAMAR YONG				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 07/08/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* AKIYOSHI CHOSOKABE

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Appeal 2009-007957  
Application 10/726,612  
Technology Center 3700

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

On November 19, 2007, Appellant filed a Notice of Appeal. On December 3, 2008, the Examiner mailed a new Examiner's Answer including a new ground of rejection and giving Appellants the option to either (1) Reopen prosecution or (2) Maintain appeal. On March 9, 2009, Appellants filed a response under 37 C.F.R. § 1.111 where the Appellants elected to reopen prosecution before the Examiner. Instead of reopening prosecution in response to Appellants request, the case was erroneously docketed for appeal.

Accordingly, it is

ORDERED that the application is remanded to the Examiner to reopen prosecution.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mls

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